

**KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION****Employee Leave Series: G05A****ENCLOSURE: 24****Reference: W.Va. Code §§18A-5-4, 18A-5-4a****Issued: 03.13.1975****Revised: 11.17.1985; 03.02.1994; 12.05.2011; 10.18.2018****Revision Number: 5**

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**5.1 Professional Leave.** The Board encourages administrators, teachers and service personnel to pursue activities designed to assist such employees to better meet the demands of their positions and the programmatic needs of their school/department.

**5.1.1 Reasons for Professional Leave.** Absences from duty without loss of pay may be requested for the following reasons:

**5.1.1.1** Personnel necessarily absent because they are serving as officers or delegates in a meeting of a professional organization, or who are to appear on a program at the meeting.

**5.1.1.2** Personnel requested by the State Department of Education to participate in committee work or to attend a meeting called by the State Department of Education for the purpose of school improvement.

**5.1.1.3** Personnel requested by the county Superintendent to be in attendance at a conference or meeting.

**5.1.1.4** Personnel serving as a chaperon of students attending an approved school activity.

**5.1.1.5** Personnel attending staff development programs.

**5.1.2 Terms and Conditions for Professional Leave.** Absences from duty without loss of pay may be granted under the following terms and conditions:

**5.1.2.1** Leave shall not be approved if general budget monies are required to pay the cost of substitute employees, unless approved by the Superintendent upon a showing of extenuating circumstances.

**5.1.2.2** The activity/training is directly related to the goals and objectives of the school system and to the employee's job responsibilities.

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**5.1.3 Requests for Professional Leave.** Written requests for absence from duty without loss of pay will be routed on the appropriate form as follows:

**5.1.3.1** To the immediate supervisor; and, if approved...

**5.1.3.2** To the appropriate Division/ Department Head; and, if approved...

**5.1.3.3** To the Superintendent, or his/her designee, if a substitute is needed upon showing of extenuating circumstances.

**5.2 Sick Leave****5.2.1 Definitions.**

**5.2.1.1** Immediate family - employee's spouse, child, dependent or parent.

**5.2.1.2** Sick leave - absence from assigned duties due to personal injury or illness or due to immediate family injury or illness. Such leave is limited to an amount accumulated for such purpose pursuant to applicable state law.

**5.2.2 Accumulation of Leave.** At the beginning of the employment term, any full-time employee is entitled annually to at least one and one-half days personal leave for each employment month or major fraction thereof in the employee's employment term. Unused leave shall be accumulative without limitation and is transferable within the State. A change in job assignment during the school year does not affect the employee's rights or benefits. Provided, however, that .5 employees shall accumulate sick leave at a .5 rate. Provided, further, that employees who are on leave without pay or some form of leave of absence without pay shall not accrue sick leave. Summer employees shall accrue sick leave on a day-by-day basis at the level allowed by state law.

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**5.2.3 Family Illness or Injury.** An employee may take up to three (3) days of accumulated sick leave per school year for the purpose of attending to the injury or illness of such employee's immediate family.

**5.2.4 Physician's Statement.** If absences due to an injury or illness exceed two consecutive work days, a statement, included on the sick leave claim form, which certifies such injury or illness must be completed by a physician licensed by the State of West Virginia.

**5.2.5 Claims.** All claims for sick leave must be signed by the employee, the employee's immediate supervisor, if the absence is two (2) work days or less in duration, and by a physician as provided in Section 5.02.4 of this policy. Forms for making claims shall be published from time to time by the Office of Budget/Finance/Accounting.

**5.2.6 Payment Rate.** Payment for sick leave shall be made at the salary rate in effect at the commencement of absences due to injury or illness.

**5.2.7 Workers' Compensation Set Off.** Where authorized by state law, sick leave compensation payments shall be reduced by an amount corresponding to workers' compensation benefits received by an employee in connection with an absence from duty. In all cases where sick leave compensation is reduced as aforesaid an employee's accumulated sick leave shall be charged only to the extent such reduced sick leave payments are made.

**5.2.8 Unpaid Medical Leave.** Any employee who shall exhaust sick leave and vacation leave, but who continues to be absent from his or her duties due to injury or illness shall be considered on unpaid medical leave. For purposes of benefit eligibility under the West Virginia Public Employees Insurance program such unpaid medical leave shall be considered an approved medical leave of absence. An employee on unpaid medical leave shall

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not accrue any further leave or seniority while absent, nor shall such employee be eligible for pay during such period of absence. Should any employee be unable to return to work after one year of unpaid medical leave, such employee may be considered for termination.

**5.2.9 Work Stoppage or Strike.** Notwithstanding the provisions of Section 5.02.4 the Superintendent shall have authority during a concerted work stoppage or strike to require a physician's statement on the first work day of absence due to illness or injury. Notice of the implementation of this section shall be given by postings in each school or facility.

- 5.3 Bereavement Leave.** Immediately following the death of a child, parent, grandparent, grandchild, sibling, son-in-law, daughter-in-law, brother-in-law, sister-in-law, legal guardian, persons (as previously mentioned) of the same relationship to spouse, spouse, or any relative living in the same household, an employee shall be entitled to bereavement leave for a period of three (3) working days or for a period of five (5) working days in the event the funeral is held a distance of 300 miles or more from the employee's residence. Bereavement leave shall be charged against an employee's accumulated sick leave, and, to the extent such leave is so charged, shall be with pay.
- 5.4 Jury Service.** Professional personnel and other persons actively engaged in school work shall be required to serve on any jury during the period of their contract with the Board of education unless excused therefrom by a judge of the court. An employee shall be excused from duty on those days which he or she serves on a jury. An employee shall be compensated for each day of jury service the difference between that allowed for such jury service (exclusive of travel allowance) and the employee's daily rate of pay. It shall be the responsibility of an employee who serves on a jury to obtain a certificate from the clerk of the court, where such jury service is rendered, indicating the date[s] of service and the daily allowance.

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**5.04.15 Answer to Subpoena.** An employee shall be excused from duty on those days which he or she is absent in response to a subpoena which requires attendance as a witness in any court or administrative proceeding. An employee shall be compensated for each day of absence in connection with a subpoena the difference between the witness fee allowed by the tribunal, exclusive of travel allowance, and the employee's daily rate of pay.

However, employees who are absent because they are defendants in criminal proceedings or who are parties to proceedings unrelated to school business shall not be compensated for the days they are absent unless they take some other form of available leave, e.g., vacation or personal leave.

**5.5 5.6 Personal Leave without Cause.** Each employee is permitted to use ~~three~~ four days of accumulated sick leave annually without regard to the cause for the absence. In the event the employee does not use all ~~three~~ four days within a school year, the employee may accumulate such days up to a maximum of five days. Personal leave without cause may not be used on consecutive work days unless authorized or approved by the employee's principal or immediate supervisor, as appropriate. The employee shall give notice of leave without cause to the principal or immediate supervisor at least twenty-four hours in advance, except that in the case of sudden and unexpected circumstances, notice shall be given as soon as reasonably practicable. The principal or immediate supervisor may deny use of the day if, at the time notice is given, either fifteen percent of the employees or three employees, whichever is greater, under the supervision of the principal or immediate supervisor, have previously given notice of their intention to use that day for leave. Personal leave may not be used in connection with a concerted work stoppage or strike.

**5.6 5.7 Military Leave.** All Kanawha County Board of Education employees, who shall be members of the national guard or armed forces reserves, shall be entitled to military leave of absence from their respective offices or employments without loss of pay, status or efficiency rating, on the days during which they are ordered, by properly designated authority, to be engaged in drills, parades or other duty, during business hours, field training or active service of the state, for a maximum period of thirty working days in any one calendar year. Effective September 11, 2001, all officers and employees of the state, or subdivisions or

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municipalities thereof, who are ordered or called to active duty by the properly designated federal authority shall be entitled to military leave of absence from their respective offices or employments without loss of pay, status or efficiency rating for a maximum period of thirty working days for a single call to active duty: Provided, that an employee called to active duty who has not used all or some portion of the

thirty working days of military leave of absence granted by subsection (a) shall be entitled to add the number of unused days from that calendar year to the thirty working days granted by this subsection, up to a maximum of sixty days for a single call to active duty: Provided, however, That none of the unused days of military leave of absence granted by subsection (a) may be carried over and used in the next calendar year.

The term "without loss of pay" means that the employee shall continue to receive his or her normal salary or compensation, notwithstanding the fact that such officer or employee may have received other compensation from federal or state sources during the same period.

**5.7 5.8 Vacation Leave Eligibility.** All full time, 12-month employees shall be eligible for vacation leave.

**5.7.1 5.8.1 Accrual Rates.** The following accrual rates shall be observed:

<b>Service</b>	<b>Accrual Rate</b>	<b>Annual</b>
0 - 2 years	1.25/month	15.00
3 - 5 years	1.50/month	18.00
6+ years	1.75/month	21.00

Accrual rates may change only on July 1 of each year. Example: Employee commences work on July 7, 1985. Such employee would not accrue 1.5 days/month until July 1, 1989. Employees who commence work on or prior to the 15th day of a month shall accrue leave for such month. Employees who

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commence work after the 15th day of a month shall not accrue leave for such month.

**~~5.7.2~~ 5.8.2 Maximum Accumulation.** An employee may accumulate unused vacation leave; provided however, that no more than 30 days of vacation leave may be carried over from one fiscal year to the next.

**~~5.7.3~~ 5.8.3 Limitations.** Vacation leave may be taken at no less than .5-day increments and may only be taken from accrued leave.

**~~5.7.4~~ 5.8.4 Approval.** All vacation leave must be approved in advance by an employee's immediate supervisor.

**~~5.7.5~~ 5.8.5 Holidays.** Vacation leave shall not be charged in connection with a legal holiday falling within a vacation period for which all District employees are not required to work. However, school closings falling within a vacation period for reasons other than legal holidays shall be charged against an employee's accrued vacation leave.

**~~5.7.6~~ 5.8.6 Transfer.** An employee who transfers from a position from within the District to a full time, 12 month position shall be entitled to receive up to 6 years of length of service credit in connection with the accrual rates set forth in Section ~~5.07.1~~ 5.8.1.

**~~5.7.7~~ 5.8.7 Adequate Work Force.** It shall be the responsibility of all supervisory personnel to monitor vacation leave so as to maintain an adequate work force. Toward this end, supervisory personnel may establish a vacation schedule in order to preserve equity and to retain an adequate work force.

**~~5.7.8~~ 5.8.8 Termination of Employment.** Upon termination of employment, an employee may receive a lump sum payment based upon the employee's daily rate of pay for accumulated vacation leave, up to a maximum of 30 days, or convert said vacation leave to any benefit authorized by state law. The estate, surviving spouse or dependents, as the case may be, shall

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have the same options with respect to the accumulated vacation leave of a deceased employee.

## **5.8 5.9 Childbirth Leave.**

**5.8.1 5.9.1** Primary caretaker – the parent or adoptive parent who is responsible for attending to a majority of child care duties in terms of the amount of time spent with child as well as specific duties such as feeding, clothing, supervising, bathing, etc. If a parent or adoptive parent other than the employee remains in the home during any relevant time periods, it will be presumed that the employee is not the primary caretaker.

**5.8.2 5.9.2** Secondary caretaker – a parent or adoptive parent who is not a primary caretaker.

**5.8.3 5.9.3 Pregnancy Leave.** Pregnancy leave is required when, in the opinion of the employee's attending physician, the employee is unable to continue her duties. Pregnancy leave shall be charged against the employee's total accumulated sick leave and, to the extent such leave is so charged, shall be with pay.

**5.8.4 5.9.4 Convalescence Leave.** Following childbirth an employee shall remain on convalescence leave until such time as her attending physician certifies in writing that the employee is able to continue her duties. Convalescence leave shall be charged against the employee's total accumulated sick leave and, to the extent such leave is so charged, shall be with pay.

**5.8.5 5.9.5 Adoptive Parent Leave.** Immediately following the arrival of an adoptive child into the home of an adoptive parent employee, such employee shall be entitled to adoptive parent leave for a period of up to forty-five consecutive calendar days if such employee is the primary caretaker of such child or children. Adoptive parent leave shall be charged against the employee's total accumulated sick leave and, to the extent such leave is so charged, shall be with pay.



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**~~5.8.6~~ 5.9.6 Secondary Caretaker Leave.** Immediately following the arrival of an adoptive child into the home of a secondary caretaker employee or immediately following the birth of a child of a secondary caretaker employee, such employee shall be entitled to secondary caretaker leave for a period of up to five consecutive calendar days. Secondary caretaker leave shall be charged against the employee's total accumulated sick leave and, to the extent such leave is so charged, shall be with pay.

**~~5.8.7~~ 5.9.7 Child Care Leave.** Parents of newborn children or adoptive parents of newly arrived children shall be granted child care leave for a period of up to one calendar year upon written request for the purpose of pregnancy, childbirth or adoptive or infant bonding. An employee shall not be required to take other forms of leave provided in this policy, sick leave or annual leave prior to taking childcare leave. Such leave will be without pay and shall be regarded as leave of absence for purposes of determining rights and benefits upon return to work.

**~~5.9~~ 5.10 Training Leave – Service Personnel.** The Board encourages service personnel to pursue activities designed to assist such employees to better meet the demands of their positions.

**~~5.9.1~~ 5.10.1 Reasons for Leave.** Absences from duty without loss of pay may be requested for the following reasons:

**~~5.9.1.1~~ 5.10.1.1** Personnel necessarily absent because they are serving as officers or delegates in a meeting of an employee organization, or who are to appear on a program at the meeting.

**~~5.9.1.2~~ 5.10.1.2** Personnel requested by the state department of education to participate in committee work or to attend a meeting called by the State Department of Education.

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**5.9.1.3** 5.10.1.3 Personnel requested by the county Superintendent to be in attendance at a conference or meeting.

**5.9.1.4** 5.10.1.4 Personnel attending staff development programs.

**5.9.2** 5.10.2 **Terms and Conditions for Leave.** Absences from duty without loss of pay may be granted under the following terms and conditions:

**5.9.2.1** 5.10.2.1 Leave shall not be approved if general budget monies are required to pay the cost of substitute employees, unless approved by the Superintendent upon a showing of extenuating circumstances.

**5.9.2.2** 5.10.2.2 The activity/training is directly related to the employee's job responsibilities.

**5.9.3** 5.10.3 **Requests for Leave.** Written requests for absence from duty without loss of pay will be routed on the appropriate form as follows:

- (a) To the immediate supervisor; and, if approved...
- (b) to the appropriate Division/ Department Head; and, if approved...
- (c) To the Superintendent, or his/her designee, if a substitute is needed upon showing of extenuating circumstances.

**5.10** 5.11 **Leave of Absence.** The Superintendent may submit to the Board of Education recommendations for leaves of absence for personnel possessing continuing contract status. Leaves of absence are granted at the discretion of the Board of Education and are for the purpose of improving skills, instruction, supervision, and/or administration. Personnel requesting a leave of absence must make written application to the Superintendent which shall outline in detail the purpose and nature of the requested leave.

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An employee shall notify the board at least ten working days prior to beginning a leave of absence. The board shall approve a leave of absence for any teacher or service personnel who requests an extended leave of absence without pay for any period of time not exceeding one year for the purpose of pregnancy, childbirth or adoptive or infant bonding. The employee shall not be required to use accumulated leave or sick leave prior to taking an extended leave of absence. Such leaves of absence shall be without pay unless otherwise approved and such leaves shall not extend for more than one year unless an extension is recommended and approved by the Board of Education. Professional personnel will be restored to the same assignment of position or duties held prior to the leave if the employee returns in less than one year.

Service personnel are eligible to return to the same position held prior to the leave. An approved leave of absence does not break an employee's seniority and the seniority does not cease to accumulate during an authorized leave of absence whether without pay or due to illness of other reason over which the employee has no control. Any employee who is on an approved medical leave of absence is entitled to continue his or her coverage until he or she returns to his or her employment, and the employee and employer shall continue to pay their proportionate share of premium costs. The employer is obligated to pay its proportionate share of the premium cost only for a period of one year. During the period of the leave of absence, the employee shall, at least once each month, submit to the employer the statement of a qualified physician certifying that the employee is unable to return to work.

**5.11 5.12 Absence Without Pay.** With prior approval of the immediate supervisor, an employee may be permitted to be absent without pay if all forms of leave which may be available in connection with such absence have been exhausted. Such approval shall only be given in extenuating circumstances which shall be reported to the Superintendent or designee.

**5.12 5.13 Claims.** All claims for leaves and absences shall be made on forms published from time to time by the Office of Budget/Finance/Accounting. The delivery of a completed claim of personal leave form to an employee's principal or immediate supervisor shall constitute "notice" as required by the provisions of W.Va. Code §18A-4-10. The date and time of receipt of such notice shall be controlling with respect to all issues pertaining to eligibility for leave.